

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

LINDA SUE SIMMONS

PLAINTIFF

v.

CAUSE NO. 1:15CV353-LG-RHW

**ALLEN AND SMITH INSURANCE;
LYNDON SOUTHERN INSURANCE; and
ROBERT LEE JONES**

DEFENDANTS

ORDER DISMISSING AMENDED COMPLAINT

This matter comes before the Court *sua sponte* for consideration of dismissal of the Amended Complaint filed by *pro se* Plaintiff Linda Sue Simmons. Having reviewed the Amended Complaint, the Court is of the opinion that it lacks jurisdiction over this action and that Plaintiff has failed to state a claim on which this Court may grant relief in any event. Accordingly, the Court finds that this action must be dismissed.

On October 26, 2015, the Court entered an Order to File Amended Complaint. Specifically, the Court found that it was unable to discern (1) the basis for the Court's jurisdiction over Plaintiff's case, and (2) what, if any, claims were stated. The Court thus ordered Plaintiff to file an Amended Complaint clearly setting forth the basis for the Court's jurisdiction and the claims stated against the Defendants.

On November 3, 2015, Plaintiff filed an Amended Complaint. However, Plaintiff's Amended Complaint contains the same deficiencies as her original Complaint. Plaintiff's only allegation related to jurisdiction is that all Defendants

are Mississippi residents. There is no allegation of federal question jurisdiction and complete diversity admittedly does not exist. *See Fed. R. Civ. P. 12(h)(3)* (“If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action.”); *see also, e.g., Filer v. Donley*, 690 F.3d 643, 646 (5th Cir. 2012). The Court also does not find that any of the allegations in the Amended Complaint state a cognizable claim on which this federal Court could grant Plaintiff relief. *See Fed. R. Civ. P. 12(b)(6); Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).

IT IS THEREFORE ORDERED that this action is **DISMISSED**. The Clerk is **ORDERED** to mail a copy of this Order to Plaintiff at the address provided.

SO ORDERED AND ADJUDGED this the 4th day of November, 2015.

s/ Louis Guirola, Jr.
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE